

Order

Michigan Supreme Court
Lansing, Michigan

October 6, 2021

Bridget M. McCormack,
Chief Justice

162833

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 162833
COA: 353646
Tuscola CC: 20-015154-AR

DAVID ALLAN LUCYNSKI,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the December 17, 2020 judgment of the Court of Appeals is considered, and it is GRANTED, limited to the issues: (1) whether the defendant impeded traffic, in violation of MCL 257.676b(1), where there was no actual traffic to impede at that time; (2) if not, whether the deputy sheriff made a reasonable mistake of law by effectuating a traffic stop of the defendant for violating MCL 257.676b(1), see *Heien v North Carolina*, 574 US 54 (2014); and (3) whether the deputy sheriff seized the defendant when he pulled his patrol vehicle behind the defendant's vehicle in a driveway. The appellant's brief and appendix shall be filed by January 31, 2022, with no extensions except upon a showing of good cause. The time for filing the remaining briefs shall be set as forth in MCR 7.312(E). The time allowed for oral argument shall be 20 minutes for each side. MCR 7.314(B)(1).


The Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 6, 2021


Clerk